

WESTFIELD TOWN COUNCIL, August 14, 2006

The Westfield Town Council met in regular session Monday, August 14, 2006 at the Westfield Town Hall. Members present were Teresa Otis Skelton, Jack Hart, Bob Smith, David Mikesell, and Ron Thomas. Also present were Clerk Treasurer Cindy Gossard, Town Manager, Jerry Rosenberger and Legal Council, Brian Zaiger. President Smith called the meeting to order at 7:00 p.m.

Approval of Minutes:

Dave Mikesell made a motion to approve July 8, 2006 Special Meeting minutes as presented. Ron Thomas seconded. Vote: Yes-4; No-0; Abstain-1 (T. Skelton). Motion carried.

Jack Hart made a motion to approve July 10, 2006 minutes as amended. Dave Mikesell seconded. Vote: Yes-5; No-0. Motion carried.

Jack Hart made a motion to approve July 15, 2006 Special Meeting minutes as presented. Teresa Skelton seconded. Vote: Yes-3; No-0; Abstain-2 (R. Thomas-D. Mikesell). Motion carried.

Ron Thomas made a motion to approve July 25, 206 Special Meeting minutes as presented. Teresa Skelton seconded. Vote: Yes-4; No-0; Abstain-1 (D. Mikesell). Motion carried.

Guests:

Joe Plankis thanked the Town Council and Brian Zaiger for following the process that was specified in Ordinance 04-37 with the annexation. Mr. Plankis also asked the Council to look carefully at Impact Fees and how they are used as we move forward.

Council Comment on Guest Comments

None.

Old Business:

**Ordinance 06-25 Annexation
Tomlinson Road (School Property/P.C. Wright)
First Reading/Public Hearing – July 10, 2006
Second Reading**

Jerry Rosenberger explained this Ordinance comes to the Council as a 100% voluntary annexation and gave a brief description of the area to be annexed.

Dave Mikesell made a motion to approve Ordinance 06-25 as presented. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

Resolution 06-11 Fiscal Plan for Annexation Ordinance 06-25

Jerry explained that with every annexation a fiscal plan is required.

Dave Mikesell made a motion to approve Resolution 06-11 as presented. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

**Ordinance 06-29 Sewer Lateral repair Assistance Fund
Policy and Procedure
First Reading – July 10, 2006
Second Reading**

Bruce Hauk stated this is the second reading for this Ordinance and would ask the council to approve this evening.

Jerry Rosenberger stated there have been some modifications Bruce and Ron Thomas had worked on.

Ron Thomas made a motion to approve Ordinance 06-29 as presented. Dave Mikesell seconded. Vote: Yes-5; No-0. Motion carried.

Ordinance 06-31 Water Service Line Protection Plan Program
First Reading – July 10, 2006
Second Reading

Bruce Hauk explained that this is water line protection plan would allow residents to pay for essentially an insurance policy on the water main coming from the street into their residence.

Ron Thomas made a motion to approve Ordinance 06-31 as presented. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

Ordinance 06-33 Maintenance Bonds on Perimeter Roads
And Construction Routing Plans
First Reading – July 10, 2006
Second Reading

Bruce Hauk explained this Ordinance is intended to address the issue of streets surrounding new development being destroyed by construction traffic associated with the development.

Teresa Skelton made a motion to approve Ordinance 06-33 as presented. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

Ordinance 06-34 Unauthorized Water Use
First Reading – July 10, 2006
Second Reading

Bruce Hauk again explained that this Ordinance would establish fines for the unauthorized use of water by anyone accessing our water supply at any connection point.

Teresa Skelton made a motion to approve Ordinance 06-34 as presented. Dave Mikesell seconded. Vote: Yes-5; No-0. Motion carried.

Regulatory Changes/Council Introduction

First Council Consideration

None

Second Council Consideration

Bridgewater Club SF-2 and SF-3 to PUD

Kevin Buchheit stated the petitioner is requesting rezone of approximately 101 acres with 192 units proposed and 20 acres for retail market place.

Council sent to Plan Commission.

Aurora AGSF-01 and GB to PUD

Teresa Skelton recused herself from Aurora and Walnut Ridge Estates discussions.

Kevin Buchheit stated the petitioner is requesting a rezone of approximately 314 acres mixed use and showed area of discussion.

Council sent to Plan Commission.

Walnut Ridge Estates LLC 169th Street and Carey Road AG-SF-1 to SF-2

Kevin Buchheit stated the petitioner is requesting rezone of approximately 40 acres at 167 Carey Road from AG-SF-1 to SF-2 with commitments.

Steve Hardin spoke regarding the pipelines which Ron Thomas had stated some concerns.

Council sent to Plan Commission.

New Business:

**Ackerson Farms PUD Additional Special Public Hearing as
Required by Annexation Process Ordinance 04-37
Special Public Hearing**

Nels Ackerson passed out a memorandum and gave a brief presentation of the processes they have been through and the revisions that have been made since the first meeting with the Council.

Special Public Hearing opened 7:42 pm

Joe Plankis stated he supported the project but has questions regarding the financial impact this will have on the Town.

Special Public Hearing closed 7:45 pm

Nels explained they will have a Fiscal Impact study done for the Council and will pay all the fees required by the Town to be paid.

**Ordinance 06-26 Westfield Advisory Plan Commission Structure
First Reading**

Jerry Rosenberger gave a brief summary explaining how a Municipal Plan Commission is comprised of 7 persons appointed by the Town Executive and the Town Council.

Ron Thomas stated he was opposed to this ending of the joinder agreement and the restructuring of the Plan Commission.

Bob Smith stated he felt the need to make the changes with the population changes.

President Smith suggested Monday Aug 21st at 7:00 for a meeting with the Town and Township to be held at the WPWD meeting room.

Ordinance 06-37

**Rezone Petition – Westgate
From AG-SF-1 to Westgate PUD
17021 Towne Road
Public Hearing at APC April 24, 2006
First Reading**

Teresa Skelton recused herself for this discussion.

Kevin Buchheit gave a brief presentation and stated this comes to the Council with a positive recommendation from the Plan Commission.

John Talbot explained they have given the Council a Fiscal Plan and outlined some of the changes made that were requested.

Ron Thomas suggested this project to be continued for another month to work out the details.

Bob Smith agreed there were issues that need to be worked out and he also felt this project should be continued another month.

Ron Thomas made a motion to continue Ordinance 06-37 for 30 days. Dave Mikesell seconded. Vote: Yes-4; No-0. Motion carried.

Ordinance 06-38

**Rezone Petition – Frampton Estates
From AG-SF-1 and SF-3
16115 Ditch Road
Public Hearing at APC June 26, 2006
First Reading**

Kevin Buchheit gave brief description of the rezone area and stated this also comes to the Council with a positive recommendation from the Plan Commission.

Ron Thomas made a motion to approve Ordinance 06-38 as presented. Dave Mikesell seconded. Vote: Yes-4; No-0. Motion carried.

Information Technology Policies
Review for September consideration

Mike Fisher gave a brief introduction of the policies needed for the technology management for the town.

Bob Smith stated this will come back to the Council in September for consideration.

Interlocal Agreement – Hoosier Heritage Port Authority
Allowing for representative to Technology Oversight Board

Mike Fisher also gave brief presentation and explained this will allow the Town to have representation in managing the fiber ring in Hamilton County.

Jerry explained the one time contribution of \$10,000.00 will come out of remaining funds in the G. O. Bond.

Ron Thomas made a motion to appropriate the \$10,000.00 contribution. Dave Mikesell seconded. Vote: Yes5; No-0. Motion carried.

Ordinance 06-28 Water Service Rules and Regulations
First Reading
Public Hearing

Bruce Hauk explained this Ordinance is to modify the utility's water rates through a five year period of implementation. Bruce explained when the Town purchased Hamilton Western in March of 2002 there was a promise not to raise the rates for 2 years and that our utility rates are not governed by the Utility Regulatory Commission.

Jim Treat gave a brief presentation of the rate modification and discussed the financials.

Public Hearing opened 8:56 p.m.

Mike Pudleiner stated he is a Utility Analyst and works for the Indiana Utility regulatory Commission. Mr. Pudleiner questioned what would the Town be using the money collected from the rate increase for.

Sharon Williams voiced her concerns about the “spending of our water”.

Public Hearing closed 9:15 p.m.

President Smith stated there was to be no action taken tonight on this Ordinance and it will come back to the Council in September.

Resolution 06-17 Multi-Hazard Mitigation Plan Adoption

Jerry Rosenberger explained that Hamilton County has been working with all the municipalities to put together a multi-jurisdictional Multi-Hazard Mitigation Plan. Jerry stated that the Town needs to adopt this Plan to be eligible for future grants under the Hazard Mitigation Grant Program and the Pre-Disaster Mitigation Grant Program.

Dave Mikesell made a motion to approve Resolution 06-17 as presented. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

Request for Fee Waiver Cross Roads Church 191st and Grassy Branch

Teresa Skelton recused herself for this discussion

Jerry Rosenberger explained that this was a request for 50% of the water and sewer availability fees and for 100% of the improvement location permit. Jerry stated the Council has in the past approved waiving fees for church facilities.

Dave Mikesell made a motion to approve the waiver of fees for Cross Roads Church. Jack Hart seconded. Vote: Yes-3; No-1. Motion carried.

Wastewater Capacity Planning Presentation HNTB

Pat Spence made a presentation to identify the capacity issues the Town is facing regarding the wastewater infrastructure.

Jerry Rosenberger stated the staff will provide to the Council in September a financial plan to address the building of the interceptor with fee structures.

Public Works Capital Purchases

Jet Vac

2 Truck Vehicles

Bruce Hauk explained they used the Reverse Auction process in bidding on this equipment and asked the Council for approval not to exceed \$249,500.00 for the purchase. Bruce stated this purchase is part of the water and sewer capital plan for 2006.

Dave Mikesell made a motion to approve the purchase of the Jet Vac not to exceed \$249,500.00. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

Bruce Hauk explained the need for 2 new trucks to be used in the department and again this purchase is a part of the capital plan.

Dave Mikesell made a motion to approve the purchase of 2 Trucks not to exceed \$60,000.00 for both. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

2007 Preliminary Budget Review

Jerry Rosenberger gave a brief presentation of the 2007 Budget and the time table to go with the adoption.

Jerry explained there is no Council action needed tonight.

Resolution 06-18 Authorization for Excessive Levy Request

Jerry explained that after the budget we will need to ask DLGF for approval for our entire levy that is due the town.

Teresa Skelton made a motion to approve the Excess Levy Request. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

Consent Agenda:

Release of Performance Bonds –

Westfield Market Place (Streets and Storm sewers)
The Oaks (Water and Sewer)

Bruce Hauk stated the Performance Bonds have both been satisfied.

Dave Mikesell made a motion to release the Performance Bonds for Westfield Market Place and The Oaks. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

Release of Maintenance Bonds

None this month

Subsequent Connector Fee/Re-imburement Fee Agreements

None this month.

President Smith asked for volunteers to work on the redistricting. Ron Thomas volunteered and it was decided he and Bob Smith will work together on this project.

Town Manager Report:

August 19, Saturday will be interviewing Architects at Oak Trace Elementary School at 8:00 a.m.

There will be a Parks Advisory meeting Wednesday August 16th. At 7:00 at WPWD meeting room.

August 31st has been scheduled for a Special Budget meeting

Bruce Hauk gave update on River Road Treatment Plant

Way finding Signage/Lions Club

146th Street Trail project should be done by end of September

Timetable for Town Hall expansion

Thanks to Denny White for his work on the Special Census and to RDJ for loaning out his offices

Council Members Comments

Ron Thomas commented on signs at 161st and Carey and 32 and Grey Road having Noblesville signs out again.

Teresa Skelton complemented WPW on their work on Asa Bales Park.

Bob Smith stated he has had several calls on accidents on Shelbourne Road and 146th Street and asked Jerry to draft a letter to address the County asking to make intersection a 4 way stop.

Bob stated he also has had numerous calls regarding speeding on State Road 32 and would ask the Police Department to look into this.

Bob Smith also stated and read as part of the minutes that he was cleared on the Hatch Act.

Claims:

Teresa Skelton made a motion to approve the Claims as presented. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

With no further business the meeting adjourned at 11:10 p.m. Executive session followed.

Clerk-Treasurer

Council President